

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA.

CWP No.: 842 of 2002.

Decided on: 17.4.2007.

Krishna Devi

Versus

State of H.P. & ors.

... .. Petitioner.

... .. Respondents.

Coram:

The Hon'ble Mr. Justice Rajiv Sharma, J.

Whether approved for reporting?

For the petitioner: Mr. R.K. Gautam, Sr. Advocate with
Naveen K. Bhardwaj, Advocate

For Respondents No.1& 2: Mr. M.S. Chandel, Advocate
General with Ms. Meenakshi Sharma
Deputy Advocate General.

For Respondent No.3: Mr. Balwant Kukreja, Advocate.

Rajiv Sharma, Judge (Oral):

By way of this petition, the petitioner has sought quashing of Annexure P-H, i.e. the proceedings of the meeting regarding rehabilitation/resettlement of Sick Polythene Bags manufacturing units situated in Himachal Pradesh.

The brief facts for adjudication of the case are that the petitioner's husband had approached this Court by way of CWP No.670/2000 after the

Whether reporters of local papers may be allowed to see the judgment?

issuance of notification dated 26th November, 1998. The writ petition No.670/2000 was disposed of by this Court on 15.3.2001 and the petitioner was permitted to make a representation to the respondent-authorities within a period of three weeks. The respondents were directed to decide the representation in accordance with law as expeditiously as possible preferably within a period of three months from receipt thereof.

Consequently, a meeting regarding rehabilitation/resettlement of Sick Polythene Bag manufacturing units situated in Himachal Pradesh was held under the Chairmanship of Arvind Kaul, IAS, Financial Commissioner-cum-Secretary (Industries) to the Government of Himachal Pradesh on 28th May, 2001. The proceedings of the meeting have been placed on record vide Annexure P-H. The decisions taken by the Committee are reproduced below:-

- “i) The units interested for OTS may submit their proposals to HPFC within 15 days. The same may be considered by the Corporation favourably as per the rules.
- ii) The OTS proposals of the units financed by the banks may be considered by the respective banks as per new RBI directions.
- iii) The proposal to reduce the sales tax from 30% to some lower slab which may be at par with the rate of sales tax applicable in the adjoining States may be considered by Secretary (E&T) to the Govt. of H.P.
- iv) The proposals to ban the manufacturing of polyethylene bags for thickness less than 20 micron may be examined jointly by Industries Department, H.P. Pollution Control Board and Science, Tech. & Environment.”

I have gone through the proceedings of the meeting and after going through the contents of the same, I am of the view that a reasonable

decision has been taken towards the rehabilitation of the petitioner and similarly situated persons who were effected after the issuance of Annexure P-A. The rehabilitation of the sick industries is a matter of Policy to be taken by the State Government in its own wisdom. This Court cannot direct the respondent-State to frame a particular Policy for the rehabilitation of sick units.

Accordingly, there is no merit in the writ petition and the same is dismissed. Before parting with the judgment, the respondents are directed to ensure that the decisions as reproduced above be implemented if the petitioner and similarly situated persons approach the authorities mentioned therein without taking the plea of delay. No order as to costs.

(Rajiv Sharma)
Judge

April 17, 2007.
(sck)